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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,035	12/15/2003	Hsu Hsiu-Kwei Liu	CFP-2317 (15722/605)	4051
23595	7590	11/03/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			ADDISU, SARA	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/736,035	Applicant(s) LIU ET AL.	
	Examiner Sara Addisu	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/15/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Page 6, line 21 recites "threaded hole 34 through the hole 16 and that...". Hole 16 should be replaced by hole 18. Page 6, line 22 recites "threaded hole 35 through the hole 26 and that...". Hole 26 should be replaced by hole 28. Line 23 recites " Thus the second hole can be bored...", second hole should be replaced by first hole

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

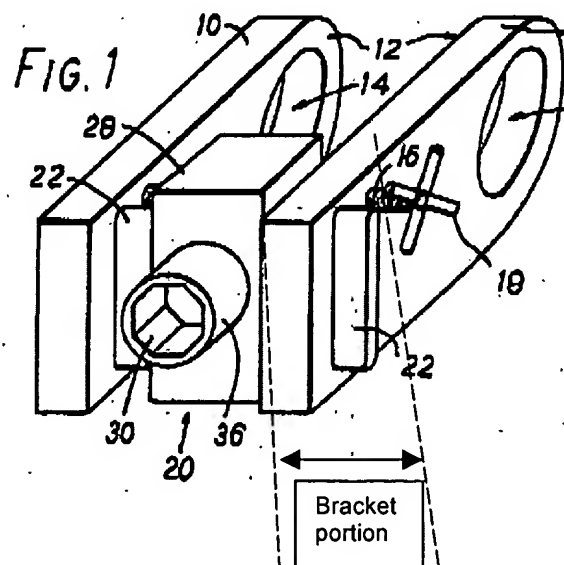
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6, 7, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Webster (U.S. Patent No. 4,130,930).

WEBSTER teaches a drilling jig assembly template for door locks having first and second elements (10) for guiding the first drill and abutting a first and second face of a door ('930, figure 1 and Col. 4, lines 14-17). WEBSTER also teaches a third element (28) sandwiched between the first and second elements, for abutting a side of the door. WEBSTER also teaches the first and the second element (10) defining a window (14)

Art Unit: 3722

for receiving the first drill and the third element also has a window with a rim (36) around it for guiding a second drill. Furthermore, WEBSTER teaches a threaded shaft (16) that has a right hand threaded portion (Examiner defining as first threaded bolt) screwed into one of the arms (10) and into the third element (28) and a left hand threaded portion (Examiner defining as second threaded bolt) screwed into the other arm and the going through the third element ('930, Figure 7 & Col. 4, lines 18-20). Hand wheel (18) is fixed on one end of the shaft and can be used to move the arms (10) towards and away from one another by rotating the shaft therefore, although it is simultaneously, the first and second threaded bolts drive the first and second elements respectively, against the first and second face of the door. Regarding claims 17 and 18, Examiner is defining the back end of the first and second elements (10) as being the bracket (see below), therefore WEBSTER teaches a bracket having a opening for receiving locating element (22) of the third element (28).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livick (U.S. Patent No. 4,715,125), in view of Monge (U.S. Patent No. 6,398,465).

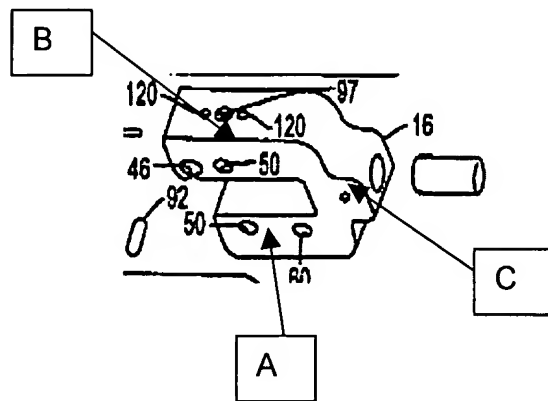
LIVICK teaches a drilling template for door locks having a first element (10 and 22 as a unit) for guiding the first drill and abutting a first face of a door, second element (12 and 22 as a unit) for guiding the first drill and abutting a second face of the door and a third element (30, 28 and 16 as a unit since vertical member 16 and cross members 28 form a frame to secure plate 30) for abutting a side of the door sandwiched between the first and second elements ('125, figures 1 and 5). LIVICK also teaches portion (22) of the first and the second element defining a window with a rim (24) extending around it for receiving the first drill ('125, Col. 1, line 68-Col. 2, line 4). Portion (30) of the third element also defines a window with a rim (32) extending around it for guiding a second drill ('125, Col. 2, lines 35-36). Regarding claim 8, LIVICK teaches the third member being moveable between an aligned position (with the use of a shim 36) and non-aligned position (without the use of a shim) ('125, Col. 2, lines 51-55).

However, LIVICK fails to teach the first and second elements being joined to the third element using threaded bolts.

MONGE teaches a lock installation jig (10) having first element (12), a second element (12) and a third element (16) to define a u-shape clamp for attachment to a door ('465, Col. 4, lines 22-26 and figure 1). MONGE also teaches adjustment screw (first threaded bolt) (54) connected between the first element (12) and the third element (16) ('465, Col. 4, lines 53-56), and threaded shaft (second threaded bolt) (30 with a handle 32) connected between the second element (14) and the third element (16) ('465, Col. 4, lines 38-48). Furthermore, MONGE teaches third element (16) having a first portion (A: see below) connected with the first threaded bolt (54), a second portion (B) connected with the second threaded bolt (30) and a third portion (C) formed between the first portion (A) and the second portion (B) (see figure below). Regarding claims 10 and 13, MONGE teaches the claimed invention {first threaded bolt (54) goes through a threaded hole (40) and a through hole (60) while second threaded bolt (30) goes through a threaded hole (42) and a through hole (46) while first threaded bolt. This is similar to the instant invention where first bolt 41 goes through unthreaded holes (16, 18) and threaded hole (34) second bolt (42) goes through unthreaded holes (26,28) and threaded hole (35)}, except for the threaded holes being located in the first and second elements instead of the third element. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the location of the threaded hole with the through hole, because it has been held that a mere reversal of

Art Unit: 3722

the essential working parts of a device involves only routine skill in the art. In re Einstein.



Additionally, regarding claim 1, LIVICK discloses the claimed invention (u shaped drilling template for door locks) except for drilling template consisting of three separate pieces joined together with threaded bolts to form a u-shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the single u-shaped piece of LIVICK's invention into separate pieces (as evidenced by MONGE: see explanation above) to make interchangeable with other tools or to replace only a piece if only a portion of the template is damaged (therefore making it economical), because it has been held that constructing a formerly integral structure in various elements involved only routine skill in the art. *Nerwin v. Erlichman*.

Claims 1-7, 9, 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livick (U.S. Patent No. 4,715,125), in view of Mackey (U.S. Patent No. 3,008,359).

LIVICK teaches a drilling template for door locks having a first element (10 and 22 as a unit), a second element (12 and 22 as a unit) and a third element (30, 28 and 16 as a unit) as set forth in the above rejection.

However, LIVICK fails to teach the first and second elements being joined to the third element using threaded bolts.

LIVICK discloses the claimed invention (u shaped drilling template for door locks) except for drilling template consisting of three separate pieces joined together with threaded bolts to form a u-shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the single u-shaped piece of LIVICK's invention into separate pieces that are bolted together (as evidenced by MACKEY) to make interchangeable with other tools or to replace only a piece if only a portion of the template is damaged (making it economical), because it has been held that constructing a formerly integral structure in various elements involved only routine skill in the art. *Nerwin v. Erlichman*.

MACKEY also teaches a drill jig having first element (19) and a third element (12) having windows and rims extending around them. The first and third elements are bolted together using a first threaded bolt (22) that pass through a slot (20) for lateral adjustment ('359, Col. 2, lines 46-51). Regarding claims 11 and 14, it is inherent to

Art Unit: 3722

replace the slot with two or more holes to perform the same function (move the first element laterally).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Livick's invention such that the connecting threaded bolts go through a slot, as taught by MACKEY for the purpose of having lateral movement adjustment capability ('359, Col. 2, lines 46-51).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SA
10/25/05


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PRIMARY EXAMINER